THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 6731 OF 2007

Dated 17th April 2007

Between:

P.Venkateswara Rao

…Petitioner

and

The Andhra Pradesh Housing Board,
Rep.by its Vice-Chairman & Housing
Commissioner, Gruhakalpa, M.J.Road,
Nampalle, Hyderabad.

…Respondents

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O R D E R:

The respondent has taken up a project, to bring about Singapore Class Township, at Pocharam village of Ranga Reddy District, and invited applications from the intending purchasers, by issuing a notification. The petitioner did not comply with the schedule of payments. He states that he could not mobilize the necessary funds and pay the instalments, within the stipulated time. He retired from service on 31.12.2005. The respondent issued a notification, to the effect that such of the allottees, who did not pay the instalments, can pay the same, subject to certain conditions, by 31.3.2006. The petitioner states that by 31.3.2006, he paid a sum of Rs.4,43,000/-, and the balance amount by December 2006. His grievance is that the respondent Board is not finalizing his allotment, on the ground that the

payments were not made, according to the prescribed schedule. He seeks a writ in the nature of Mandamus, to declare the action of the respondent in refusing to allot the HIG flat in Singapore Class Township, as illegal and arbitrary.

Heard the learned counsel for the petitioner and learned Standing Counsel for the respondent.

Even according to the petitioner, he did not make the payments, within the stipulated time. The relationship, between the petitioner and the respondent, is governed by the terms of contract. Though the respondent is a State, within the meaning of Article 12 of the Constitution of India, the rights that accrued to it under a contract, cannot be brushed aside. Inasmuch as the petitioner did not avail the extended benefit also, the relief claimed by him in this writ petition, cannot be granted. However, if the payments made by the petitioner have given rise to any right in his favour, he can certainly work out his remedies, by filing a suit. This, in turn, shall be decided by applying the relevant provisions of law, and the conditions of contract.

Hence, the writ petition is dismissed, leaving it open to the petitioner, to work out his remedies in a civil court. There shall be no order as to costs.

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17th April 2007

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